DGA No. 44 of 2004

Hon'ble B.C. Kandpal, J.

Heard learned A.G.A on the delay condonation application and perused the record.

I find sufficient ground to allow the delay condonation application.

Accordingly, the delay in filing the government appeal is hereby condoned.

This special leave to appeal has been filed by the State Government/appellant against the judgment and order dated 28.04.2004 passed by Additional Session Judge, Pithoragarh thereby acquitted the respondent in S.T. No. 4 of 2000 under Section 20/22 N.D.P.S. Act.

Brief facts of the case are that on 22.01.2000 near Baram Road, Tatapani, P.s. Jaulijivi, District Pithoragarh, 1 kg of charas was recovered from the possession of the accused/respondent – Indra Singh. The First Information Report was lodged of the incident and the accused was charged under Section 20/22 N.D.P.S. Act. After considering the entire material available on record and perusing the evidence, the trial court acquitted the respondent in S.T. No. 4 of 2000, vide judgment and order dated 28.02.2004.

Feeling aggrieved by the said judgment and order, the State Government/appellant preferred this appeal before this Court.

Heard learned A.G.A.on the point of admission and perused the record.

Having considered the arguments advanced by learned A.G.A. for the State/appellant and perusing the entire material available before me, I do not find any illegality, infirmity or incorrectness in the impugned judgment and order passed by the court below. I am in total agreement with the view taken by the court below. The impugned judgment and order does not require any interference. The Special leave to appeal devoid of any force and is liable to be dismissed.

Accordingly, the special leave to appeal is dismissed.

Consequently, the Government Appeal is also dismissed.

(B.C.K., J.)

19.11.2007

ASWAL